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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,481	07/20/2001	Donald Bellis JR.	253/277	2582

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EXAMINER

CHEN, SHIN HON

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,481

Applicant(s)

BELLIS ET AL.

Examiner

Shin-Hon Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/20/01, 12/17/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-34 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 7, 11, 14, 15, 19-23, 26, 28, and 31-34 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Walter et al. U.S. Pat. No. 5992570 (hereinafter Walter).

4. As per claim 1 and 14, Walter discloses a method of verifying an identification of a customer using a self-checkout system of a retail establishment, comprising the steps of: obtaining an image of a customer's identification at the self-checkout system (Walter: figure 1 object 36 and column 13 lines 48-55); displaying the customer's identification at a location remote from said self-checkout system to verify the identification of said customer (Walter: figure 1 object 36 and column 13 lines 48-55).

5. As per claim 2 and 15, Walter discloses the method of claims 1 and 14 respectively. Walter further discloses wherein said customer's identification comprises a personal identification card, the step of obtaining comprises capturing an image of the personal identification card, and the step of displaying comprises displaying the image of the personal

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identification card at a location remote from said self-checkout system to verify the customer's identification (Walter: figure 1 object 36, column 3 lines 31-43, column 5 lines 36-53, and column 13 lines 48-55). The purpose of the video camera is to let clerk remotely authenticate the customer's identification. Therefore, the video camera is used to capture the image of the card or the person to authenticate if the customer is allowed to purchase age-restricted goods.

6. As per claim 3, Walter discloses the method of claim 2. Walter further discloses wherein the step of displaying comprises displaying the customer's personal identification card at an attendant station to verify the customer's identification (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

7. As per claim 4, Walter discloses the method of claim 1. Walter further discloses wherein the step of verifying the identification of the customer comprises verifying an age of the customer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

8. As per claim 6, Walter discloses the method of claim 1. Walter further discloses wherein the step of verifying the identification of the customer comprises verifying a facial appearance of said customer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

9. As per claim 7, Walter discloses the method of claim 1. Walter further discloses wherein said customer's identification comprises a facial appearance of said customer, the step of obtaining comprises capturing an image of the facial appearance of said customer, and the step of

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displaying comprises displaying an image of the facial appearance of said customer at a location remote from said self-checkout system to verify at least one of an age of said customer and an identity of said customer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

10. As per claim 11, Walter discloses the method of claim 1. Walter further discloses the method comprising storing said image (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

11. As per claim 19, Walter discloses the system of claim 14. Walter further discloses wherein said video source is adapted to capture an image of a customer's facial appearance, and said video destination is adapted to display an image of said customer's facial appearance to verify at least one of an age of the customer and an identity of said customer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

12. As per claim 20 and 26, Walter discloses a method of verifying the identification of multiple customers of multiple respective self-checkout systems of a retail establishment, comprising the steps of: capturing images of the customer's respective identification as respective video streams (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55); combining the multiple video streams into a single stream with multiplexer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55, and column 12 lines 47-56); separating the single stream into multiple video streams with a demultiplexer (Walter: figure 1

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object 36, column 3 lines 31-43, and column 13 lines 48-55, and column 12 lines 47-56) ; displaying multiple images of the customer's respective identifications resulting from said video streams at multiple destinations to verify the identifications of said customers (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55, and column 12 lines 47-56).

13. As per claim 21, Walter discloses the method of claim 20. Walter further discloses wherein the step of capturing images comprises capturing images with video cameras and displaying images comprises displaying images with monitors (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

14. As per claim 22, Walter discloses the method of claim 20. Walter further discloses wherein the step of capturing comprises capturing images of customers' identification cards to verify at least one of an age of the customer, a name of said customer, and a facial appearance of said customer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

15. As per claim 23, Walter discloses the method of claim 20. Walter further discloses wherein the step of capturing comprises capturing images of customers' facial appearances to verify at least one of an age of the customer and an identity of said customer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

16. As per claim 28, Walter discloses the system of claim 26. Walter further discloses wherein said video source is adapted to capture an image of a customer's facial appearance, and

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said destination comprises a monitor adapted to display an image of said customer's facial appearance to verify at least one of an age of the customer and an identity of said customer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

17. As per claim 31, Walter discloses the system of claim 29. Walter further discloses the system comprising a computer adapted to process said digital video stream from said digitizer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55, and column 12 lines 47-56).

18. As per claim 32 and 33, Walter discloses the system of claim 26. Walter further discloses wherein said destination comprises a computer or a monitor (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

19. As per claim 34, Walter discloses the system of claim 26. Walter further discloses wherein said system is part of a network, said network being a member of the group consisting of a Local Area Network, a Metropolitan Area Network, a Wide Area Network (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 5, 8, 9, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter.

22. As per claim 5, Walter discloses the method of claim 1. Walter does not explicitly disclose wherein the step of verifying the identification of the customer comprises verifying a name of said customer (Walter: column 5 lines 36-43). However, verifying the identification of the customer including verifying the name of customer is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to check the customer's name during verification process.

23. As per claim 8, Walter discloses the method of claim 1. Walter further discloses wherein said customer's identification comprises a personal identification card and a facial appearance of said customer, the step of obtaining comprises capturing an image of the personal identification card and an image of the facial appearance of said customer, and the step of displaying comprises displaying the image of the personal identification card and an image of the facial appearance of said customer at a location remote from said self-checkout system to verify the identification of said customer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55). The process of checking ID manually is to compare the ID with the person's face is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the method to remote verification.

24. As per claim 9, Walter discloses the method of claim 8. Walter further discloses wherein the step of obtaining comprises capturing an image of the personal identification card with a video camera at the self-checkout system (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55). Same rationale applies here as above in claim 8.

25. As per claim 24, Walter discloses the method of claim 20. Walter does not explicitly disclose the method comprising digitizing the video streams from said video sources. However, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to digitize analog video data into digital data.

26. As per claim 27, Walter discloses the system of claim 26. Walter further discloses wherein said video source comprises a video camera adapted to capture an image of a customer's personal identification card, and said destination is a monitor adapted to display an image of said customer's identification card to verify at least one of an age of the customer, a name of said customer, and a facial appearance of said customer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55). Same rationale applies here as above in rejecting claim 8.

27. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter in view of Soltesz et al. U.S. Pat. No. 5756978 (hereinafter Soltesz).

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28. As per claim 12, Walter discloses the method of claim 1. Walter does not explicitly disclose wherein said customer's identification comprises a stored image of the customer and stored personal information of said customer, the step of obtaining comprises obtaining the stored image of the customer and the personal information of said customer by swiping a magnetic strip of an identification card through a magnetic card reader, and the step of displaying comprises displaying the stored image of the customer and the stored personal information at a location remote from said self-checkout system to verify the customer's identification. However, Soltesz discloses swiping cards to obtain customer information in order to verify if the customer is eligible to purchase age-restricted by showing the image of the user (Soltesz: abstract and column 2 line 46 – column 3 line 34). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to verify a user's identity by swiping the magnetic card and display the image of the user in order to authenticate the user making the transaction either locally or remotely. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Soltesz within the system of Walter because allows optical ID card to be validated through magnetic strip card reader by generating the customer's image by decoding the information stored within the card.

29. As per claim 13, Walter discloses the method of claim 1. Walter does not explicitly disclose wherein said customer's identification comprises a stored image of the customer and stored personal information of said customer, the step of obtaining comprises obtaining the stored image of the customer and the personal information of said customer by scanning a barcode on an identification card using a barcode scanner, and the step of displaying comprising

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displaying the stored image. However, Soltesz discloses that limitation (Soltesz: column 2 line 46 – column 3 line 34 and column 5 lines 14-50).

30. Claims 10, 16-18, 25, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter in view of Moskowitz U.S. Pub. No. 20020010684 (hereinafter Moskowitz).

31. As per claim 10, and 16-18, Walter discloses the system of claim 14. Walter does not explicitly disclose wherein said video source comprises a CCD camera., product identification code reader, or magnetic strip reader. However, Moskowitz discloses that limitation (Moskowitz: [0184]-[0186]). It is well known in the art to use those devices to retrieve identification information using these devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Moskowitz within the system of Walter.

32. As per claim 25, Walter discloses the method of claim 24. Walter does not explicitly disclose the method further comprising processing the digitized video streams. However, Moskowitz discloses digitizing the data received from the image capture devices (Moskowitz: [0184]-[0186]). It is well known in the art to digitize data after data has been scanned to received in analog form.

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33. As per claim 29, Walter discloses the system of claim 26. Walter does not explicitly disclose the system further comprising a digitizer coupled to said multiplexer and adapted to convert an analog video stream from said video source to a digital video stream. However, Moskowitz discloses digitizing the data received from the image capture devices (Moskowitz: [0184]-[0186]). It is well known in the art to digitize data after data has been scanned to received in analog form.

34. As per claim 30, Walter as modified discloses the system of claim 29. Walter as modified further discloses wherein said digitizer is integrated with said multiplexer (Walter: figure 1 object 36, column 3 lines 31-43, and column 13 lines 48-55, and column 12 lines 47-56).

Conclusion

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shin U.S. Pat. No. 6196460 discloses age verification device.

Mason U.S. Pat. No. 6408279 discloses method and apparatus for operating a self-service checkout terminal and a remote supervisor terminal of a retail system.

Ogasawara U.S. Pub. No. 20020016740 discloses swiping a customer's identification card to capture the image of the customer to verify the customer.

Hoshino U.S. Pub. No. 20020046171 discloses authenticity checker for driver's license, automated teller machine provided with the checker.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3789.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen
Examiner
Art Unit 2131

SC

E. L. Moise
EMMANUEL L. MOISE
PRIMARY EXAMINER
A/U 2131